

### III REMARKS

Formal drawings will be submitted by a letter to the official draftsman at a later date to correct the drawing informalities.

Examiner has rejected claims 1- 20 under 35 U.S.C. 103(a) as being unpatentable over Saxe in view of Official Notice.

#### Summary of Applicant's Invention

Applicant's invention relates to a method of displaying, as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, or viewers of streaming video, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace.

A server places ads on a public web page accessible to Internet visitors. The ads are placed in accordance with an ad campaign strategy of an advertiser. Data that includes ad impressions, IP addresses of visitors and geographical data including locations of IP addresses of the visitors are supplied to a servlet. The servlet separates the enhanced data into site-specific data and advertiser-specific data. The site-specific data and a site-specific applet are transferred to a private web page accessible to the site. The site-specific applet dynamically plots indicia representing ad impressions for a site included in the site-specific data on a map on the private web page accessible to the site. The advertiser-specific data and an advertiser-specific applet are transferred to a private web page accessible to the advertiser. The advertiser-specific applet dynamically plots indicia representing ad impressions for the advertiser included in the advertiser-specific data on a map on the private web page accessible to the advertiser. A visual characteristic (color, size, intensity etc.) of an indicium is changed in proportion to a number of the Internet visitors from the same geographical location.

### **Summary of Prior Art**

The Saxe patent relates to advanced audience targeting systems for the advertising and direct marketing industries. Saxe discloses a process of directing different commercial messages, advertisements and programming to different demographically and selectively targeted television audiences by relating carrier subscriber data to other proprietary marketing databases.

This is accomplished by creating, compiling and updating a National Directory of cable and other carrier system subscriber names and address information derived from actual cable system and telephone company billing records. Software is provided to participating carrier systems to allow them to modify the subscriber records in a uniform fashion at the carrier system level using unique electronic address designations, by encoding the subscriber information into encoded binary streams using proprietary binary conversion rules and binary signatures assigned to the carrier systems. The conversion rules, signatures and their carrier designations are changed for security on a monthly basis when the National Directory is updated. The Directory is licensed to qualified data processing companies or their clients, each of which will receive proprietary software allowing it first to encode its own client's database and/or modeled target audience profiles into encoded binary streams using other proprietary binary conversion rules and binary signatures, and then to match the client's database or audience profiles to the Directory.

Subscriber privacy is maintained by matching the Directory to the client's database or to specific audience parameters, characteristics and profiles desired by the marketers, using the encoded binary streams and proprietary software, in a manner that does not reveal the subscriber name, address or other identifying information and in a manner that cannot be reverse-engineered.

### **Summary of Arguments for Patentability**

The Saxe reference cited by the Examiner relates to cable television systems. An object is to solve the problems inherent in the ability of advertisers and direct marketers to uniformly reach selected groups of scattered subscriber households within disjointed and unconnected cable systems and to thereby greatly facilitate their use as new, national micro-marketing tools. Saxe

also intends to ensure that, over time, full service networks of voice, video and data can function together as a new common carrier for advertising and direct marketing in a manner superior to that of the existing telephone, postal carrier and traditional broadcast networks.

In contradistinction, applicant's invention relates to a method of displaying, as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, or viewers of streaming video, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace.

Two different problems are addressed by Saxe's patent and applicant's invention. Saxe's patent is concerned with reaching, with advertisements, selected groups of scattered subscriber households within disjointed and unconnected cable systems. Applicant's invention is concerned with customers that have already been reached and are viewing advertisements within the non-disjointed and inter-connected Internet system. The Internet is an interconnected system of networks that connects computers around the world via the TCP/IP protocol.

### **Detailed Argument for Patentability**

#### **Claim Rejections - 35 USC § 103(a) (Saxe in view of Official Notice)**

Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Saxe 5,636,346 in view of Official Notice.

The Examiner is relying not on a reference, but on personal knowledge ("official notice") to supply an element of applicant's claims. Applicant respectfully traverses the use of official notice in this instance and requests that the Examiner provide evidence to back up this position in the next Office action or explain why no evidence is required.

Claim 1 is an independent claim and claims 2-7 are dependent thereon.

Claim 8 is an independent claim and claims 9-12 are dependent thereon.

Claim 13 is an independent claim and claims 14-15 are dependent thereon.

Claim 16 is an independent claim and claims 17-20 are dependent thereon.

None of the references disclose or suggest applicant's claimed invention because none disclose or suggest necessary elements of the claimed combination. None of the references disclose or suggest separating data into user-specific data; and using the user-specific data with a user-viewpoint applet in order to plot indicia representing ad impressions on a map on a private web page. The distinguishing language in the claims is as follows:

Claim 1 and dependent claims 2-7.

Said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset.

Claim 8 and dependent claims 9-12:

B. Separating said collected data into two subsets, a per-advertiser data subset, and a per-site data subset;

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D. Selectively feeding said per-site data subset to said site-viewpoint applet and said per-advertiser data subset to said advertiser-viewpoint applet.

Claim 13 and dependent claims 14-15:

A. Receiving user-specific data related to visitors of Internet web sites upon which ads have been placed on a public web page

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B. Plotting indicia representing ad impressions for a site included in said user-specific data on a map on a private web page.

Claim 16 and dependent claims 17-20:

B. Separating said enhanced data into user-specific data; and,

C. Transferring said user-specific data and a user-viewpoint applet to a private web page accessible to said user;

Said user-viewpoint applet capable of plotting indicia representing ad impressions for a site included in said user-specific data on a map on said private web page.

**The Examiner has failed to set forth a *prima facie* case of obviousness for rejections combining references under 35 USC 103(a) (obviousness).**

The Examiner has failed to set forth a *prima facie* case of obviousness. The MPEP at 706.02 (j) sets forth a process by which a rejection under 35 USC 103 is to be sustained wherein, as in the present case, a single reference (Saxe) is modified by combining it with one or more references (Official Notice).

The MPEP states that to establish a *prima facie* case of obviousness three basic criteria must be met:

Criterion 1 There must be some suggestion or motivation to modify the reference or to combine reference teachings.

Criterion 2 There must be some reasonable expectation of success.

Criterion 3 The references when combined must teach or suggest all the claim limitations.

These three criteria are analyzed below in order to show why the references cannot be properly combined:

### **Criterion 1**

**There must be some suggestion or motivation to modify the reference or to combine reference teachings.**

There is no suggestion in the references cited to modify the reference or to combine reference teachings. As to motivation the Examiner states only that:

"because modification and interpretation of the cited disclosure of Saxe would have provided means to "[model] target audience profiles into encoded binary streams using other proprietary binary conversion rules ... and then to . . . [match] ... specific audience parameters, characteristics and profiles desired by the marketers.... " (see Saxe (col. 2, 11. 50-67)), based on the motivation to modify Saxe so as to `provide instant polling tallies . . . and actual, rather than estimated, program and commercial delivery data and ratings.... " (see Saxe (col. 3, 11.35-45)).

The result that applicant is after is not to "model target audience profiles into encoded binary streams" and "provide instant polling tallies . . . and actual, rather than estimated, program and commercial delivery data and ratings". Applicant's invention is a method and apparatus of displaying, as a map and a series of graphs on a web page, information about visitors to web pages on the Internet, for the purpose of allowing advertisers to monitor in real-time, the geographical distribution of visitors viewing advertisements on the Internet.

None of the references disclose nor suggest applicant's claimed invention because none disclose or suggest necessary elements of the claimed combination. The distinguishing language in the claims is as stated above.

The claims were rejected as being unpatentable over Saxe and Official Notice. Saxe is the primary reference relied upon, and is the "reference" referred to in criterion 1. Saxe is the reference to be modified.

The Examiner proposes that it would be obvious to modify the applied reference (Saxe) to use the elements of Official Notice to provide the missing element:

Saxe lacks an explicit recitation of "a visitor's IP address ... [and] said advertising display server having stored in two caches, data subsets separated from data collected from said ad server and said information provider, a first of said caches having stored therein a per-advertiser data subset, a second of said caches having stored therein a per-site data subset.

The Examiner has failed to point out why the modification that he proposes would be obvious..

Applicant's invention is a combination and the crucial suggestion or motivation criterion in determining obviousness must be considered. The Examiner has failed to do this. Neither Saxe nor Official Notice contain anything to suggest the desirability of applicant's claimed combination or any motivation to modify the method of Saxe to effectuate a method of displaying, on a web page, information about visitors to web pages on the Internet, for the

purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace. In order to satisfy this requirement, the Examiner must show that at least one of the references suggests that it is possible or desirable to modify the applied reference to effectuate a method of displaying, on a web page, information about visitors to web pages on the Internet, for the purpose of monitoring, in real-time, the geographical distribution of visitors viewing advertisements in cyberspace

## Criterion 2

### **There must be some reasonable expectation of success.**

There is no reasonable expectation of success in combining the references in the manner that the Examiner suggests. Even if some suggestion or motivation to modify the reference or to combine reference teachings exists, the technologies are completely different. Applicant uses Internet technology, which is a network of computers that uses the TCP/IP protocol suite. Saxe uses cable television infrastructure technology, which is composed of geographically scattered and unconnected individual cable systems to be transformed into an interconnected grid of interactive communications networks. Saxe admits that the new technology has yet to be completed:

When this process is complete, traditional multi-system cable operators ("MSOs") and other telecommunication carrier companies will be able to offer to companies that market products and services unparalleled opportunities to target prime audience prospects more efficiently and to deliver their sales messages, advertisements and sponsored programming directly to those prospects that are the natural targets for the products and services of those companies. Such precision targeting cannot be fully exploited, however, until new technologies and



mechanisms for cable system signal switching, addressability and interactivity are in place, first requiring substantial upgrading and rebuilding of the hardware infrastructure. (Saxe column 1, lines 43-55).

Even when the interactive cable television technology exists, it will not be compatible with the Internet technology.

### Criterion 3

**The references when combined must teach or suggest all the claim limitations.**

As to the dependent claims, Examiner states that Saxe lacks explicit recitation of some elements of the dependent claims, even though Saxe implicitly shows same. This third criterion is not met because the references when combined do not teach or suggest all the claim limitations.

In view of the above arguments for patentability, reexamination of claims 1-20 pending in this application and allowance thereof is respectfully requested.

Respectfully submitted,



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